In the claims:

Please amend claims 8, 35, 36, 38, 39, 41, 42, and 44 as follows: (For the Examiner's convenience, all of the pending claims, whether or not amended, are reproduced below.)

D1

1 ~~8.~~ (Twice Amended) An isolated nucleic acid comprising the nucleotide sequence shown in [the Sequence Listing] SEQ ID NO:1 or a fragment of the nucleotide sequence shown in [the Sequence Listing] SEQ ID NO:1 which encodes an antigenic fragment of PM-1 protein.

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2 ~~9.~~ The nucleic acid of claim 1 ~~8~~, which is cDNA.

D2

3 ~~35.~~ (Amended) The nucleic acid of claim 1 ~~8~~ wherein the nucleotide sequence comprises the coding region of the nucleotide sequence shown in [the Sequence Listing] SEQ ID NO:1.

4 ~~36.~~ (Amended) The nucleic acid of claim 3 ~~35~~, wherein the coding region comprises nucleotide 179 to nucleotide 1627 of the nucleotide sequence shown in [the Sequence Listing] SEQ ID NO:1.

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5 ~~37.~~ A nucleic acid comprising a nucleotide sequence which is a functional equivalent of the nucleic acid of claim 1 ~~8~~.

D3

6 ~~38.~~ (Amended) The nucleic acid of claim 5 ~~37~~, wherein the nucleotide sequence hybridizes to a nucleotide sequence which is complementary to the nucleotide sequence shown in [the Sequence Listing] SEQ ID NO:1.

7
~~39.~~ (Amended) An isolated nucleic acid comprising a nucleotide sequence which encodes the amino acid sequence shown in [the Sequence Listing] SEQ ID NO:1 or a nucleotide sequence which encodes an antigenic fragment of the amino acid sequence shown in [the Sequence Listing] SEQ ID NO:1.

D3

8
~~40.~~ A nucleic acid comprising a nucleotide sequence which is a functional equivalent of the nucleic acid of claim 7 ~~39~~.

9
~~41.~~ (Amended) The nucleic acid of claim 8 ~~40~~, wherein the nucleotide sequence hybridizes to a nucleotide sequence which is complementary to the nucleotide sequence shown in [the Sequence Listing] SEQ ID NO:1.

D4

10
~~42.~~ (Amended) The nucleic acid of claim 7 ~~39~~, wherein the antigenic fragment comprises at least one T cell epitope which is recognized by a T cell receptor specific for the PM-1 protein having an amino acid sequence shown in [the Sequence Listing] SEQ ID NO:1.

11
~~43.~~ The nucleic acid of claim 10 ~~42~~, wherein the antigenic fragment comprises at least 7 amino acid residues.

12
~~44.~~ (Amended) The nucleic acid of claim 6 ~~38~~, which encodes an amino acid sequence shown in [the Sequence Listing] SEQ ID NO:1 which is modified by an amino acid substitution, deletion, or addition.

D5

13 ~~45.~~ A recombinant expression vector comprising the nucleic acid of claim 7 ~~8.~~

14 ~~46.~~ A recombinant expression vector comprising the nucleic acid of claim 3 ~~35.~~

15 ~~47.~~ A recombinant expression vector comprising the nucleic acid of claim 7 ~~39.~~

16 ~~48.~~ A recombinant expression vector comprising the nucleic acid of claim 10 ~~42.~~

17 ~~49.~~ A host cell transformed with the recombinant expression vector of claim 13 ~~45.~~

50. A host cell transformed with the recombinant expression vector of claim of claim 46.

51. A host cell transformed with the recombinant expression vector of claim of claim 47.

52. A host cell transformed with the recombinant expression vector of claim of claim 48.

REMARKS

In a telephone conversation with Examiner Scheiner on June 12, 1996, Applicants provisionally elected, with traverse, to prosecute the invention of Group II, claims 8, 9, and 35-52, Applicants also elected the species of the full-length nucleic acid sequence with encodes PM-1. Applicants hereby affirm this election.

18
50. (Amended) A host cell transformed with the recombinant expression vector [of claim] of claim 46.

19
51. (Amended) A host cell transformed with the recombinant expression vector [of claim] of claim 47.

20
52. (Amended) A host cell transformed with the recombinant expression vector [of claim] of claim 48.

REMARKS

Claims 8, 9 and 35-52 are pending in the application. Claims 50-52 have been amended. Any amendments to and/or cancellation of the claims should in no way be construed as an acquiescence to any of the objections and/or rejections of record. The amendments and/or cancellations are being made to expedite prosecution of the above-identified application. Applicants reserve the right to file the same or similar claims in this or another application. Claims 8, 9, 35, 37-41, 44-47 and 49-51 have been rejected under 35 USC §102(*a*).

Rejection of Claims 8, 9, 35-41, 44-47 and 49-51 under 35 USC §102(a)

Claims 8, 9, 35, 37-41, 44-47 and 49-51 were rejected under 35 USC §102(*a*) as being anticipated by *Pietropaolo* et al., *Diabetes* 40:1A, abstract #2.

The Examiner states:

> *Pietropaolo* et al. teach the PM-1 protein wherein an initial sequence shows a 252bp open reading frame coding for 84 amino acids without significant homologies to known sequences. *Pietropaolo* et al. failed to disclose the specific nucleotide sequence of their clone. However, a sequence is merely a characterization of the DNA and *Pietropaolo* et al. teach that DNA which inherently possesses the claimed sequence. The vector and host cell are also taught.